

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No.....43/95.....

R.A/C.P No.....

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SECTION OFFICER (JUDI.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

O.A.No. 43/95

Misc.Petn.

C.P. No.

R.Appl:

Shri Padam Chand Jain APPLICANT'S
frs.

Union of India & Others RESPONDENT'S

Sri R.C.Das FOR THE APPLICANTS

.....

Mr. G. Saren, Addl. C.S.C. FOR THE RESPONDENTS

OFFICE NOTE - - - - - DATE - - - - - ORDER - - - - -

This application is in
form and within time

C. F. of Rs. 50/-
deposited vide

IPO/BD No. 883833

Dated 20.1.95

21.3.95 Mentioned for urgency in the matter.

Mr. R.C. Das, learned advocate for the
applicant.

Mr. R.C.Das states that it does not
appear that the applicant has not been
relieved so far from the present post.
His prayer is to stay the transfer order
in the promotional post to Anantapur vide
Annexure V dated 15.2.95 till the disposal
of his representation submitted on 21.2.95
Annexure VII.

We would therefore direct the respondents
to consider and decide the representation
of the applicant as early as possible and
in the meantime if the applicant has not
so far been relieved, consider whether
he may not be relieved till his represen-
tation is disposed of. Having regard to
the nature of the reliefs sought the appli-
cation could be considered as premature
and any grievance if arises after a decision
on his representation is taken that would

✓ W. Registrar (A)

DRS.

OFFICE NOTE	Date	COURT'S ORDER
Received a copy of order dated 21.3.95 today the 24.3.95 for the applicant.	21.3.95	<p>afford the actual cause of action to the applicant which he will be at liberty to pursue in accordance with law. An application merely for the purpose of interim relief would not ordinarily be entertained. The applicant ought to have requested the respondents to stay the transfer pending disposal of his representation and Tribunal is <u>not expected to</u> would not therefore be interfering in such matters. However, since the applicant has actually filed a representation and it is pending the above direction is made to the respondents. Subject thereto the application is summarily rejected with the liberty to file a fresh application if necessary after the representation is disposed of or remains keeping pending for the requisite period under Section 21 of the Administrative Tribunals Act and then thereafter. Copy of the order be supplied to the counsel.</p> <p>Mr. G. Sharma, Addl. C.G.S.C. seeks to appear for the respondents. However he says ^{he} will have to obtain instructions if is required to make any submission. We do not think that occasion arises for. The request of the learned Addl. C.G.S.C. is noted. Mr. Sharma is requested to file his memo of appearance.</p> <p>Member</p> <p>Vice-Chairman</p>

OFFICE NOTE

Date

COURT'S ORDER

Central Administrative Tribunal

कंस्ट्रोक्शन इंजीनियरिंग डॉक्यूमेंट

2 MAR 1995

Guwahati Bench গুৱাহাটী বৰ্ষাবলী

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

Shri Padam Chand Jain

..... Applicant.

- Versus -

Union of India and 2 Ors.

..... Respondents.

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I understand to serve the
Copy of the application as soon
as the CGBC is available in
Court.

Filed this
Padam Chand Jain
through
R.C.Das -
Advocate
20/3/85 ✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :

IN THE MATTER OF :

An application under Section 14 of the
Central Administrative Tribunal Act, 1985;

-AND-

IN THE MATTER OF :

Shri Padam Chand Jain
son of Shri G.C.Jain
Biswanath Chariali,
District : Sonitpur, Assam

.... APPLICANT.

- VERSUS -

1. Union of India,
represented by the Joint Secretary,
Ministry of Agriculture
(Department of Agriculture & Cooperative)
Krishi Bhawan, New Delhi
2. The Director, Farm Machinery
Training and Testing Institute,
Biswanath Chariali, Sonitpur District,
Assam.

.... Contd...

3. Under Secretary to the Government of India
Ministry of Agriculture
Department of Agri & Coopn.,
New Delhi

.... RESPONDENTS.

DETAILS OF THE APPLICANT :

1. Particulars of the applicants :

(i) Name of the applicant : Shri Padam Chand Jain
(ii) Father's name : Shri G.C.Jain
(iii) Age of the applicant : 50 years
(iv) Designation and particulars of the Office : Assistant Engineer(T)
(Name and Station) in Dist. Sonitpur, Assam, in
which employed before the Office of the Director
ceasing to be in service - FMTT Institute,
Biswanath Chariali.

2. Particulars of the respondents :

(i) Name of the Respondents : 1. Union of India represented by the Jt. Secretary, Govt. of India, Ministry of Agriculture (Dept. of Agri & Coopn), Krishi Bhawan, New Delhi-110001.
2. Director, Farm Machinery Training and Testing Institute, Biswanath Chariali District Sonitpur, Assam
3. Under Secretary to the Govt. of India, Ministry of Agriculture (Dept. of Agri & Coopn), Krishi Bhawan, New Delhi-110001.

-3-

3. Office address of Respondents:

- (i) Office address for Respondent No.1 is same as given in Item No.1 above
- (ii) Office address for Respondent No.2 is same as given in item No.2 above
- (iii) Office address for Respondent No.3 is same as given in Item No.3 above.
- (iv) Address for service of notice - As mentioned above.

4. Particulars of orders against which the application is made :

The application is made against the following orders -

- (i) Order dated 15.2.95
- (ii) passed by the authority and communicated by the Under Secretary to the Govt of India, Ministry of Agriculture (Department of Agriculture & Coopn) Krishi Bhawan, New Delhi.

5. Subject in brief :

- (a) That your applicant begs to state that he was appointed as Draftman in the Central Farm Machinery Training and Testing Institute, Budni (M.P.) on 4.9.70.
- (b) That thereafter long long after his initial appointment he was promoted to the post of Technical Assistant in the said Institute and worked till 4.6.91 upto the full satisfaction of the authority concerned and also without any blemishes.

(c) That your applicant begs to state that the competent authority was again pleased to promote and appoint your petitioner as Assistant Engineer (Testing) on purely adhoc basis and posted at North Eastern Region Farm Machinery Training and Testing Institute, Biswanath Chariali District Sonitpur (Assam) with effect from 4.6.91 and for a period upto 29.2.92 or until further orders whichever is earlier vide Notification No.9-18/90-MY(Admn) Government of India, Ministry of Agriculture dated September, 1991 and your petitioner was relieved of his duties from the Institute in the afternoon of 31.5.91 to take up his new assignment as Assistant Engineer (Testing) at North Eastern Region Farm Machinery Training and Testing Institute, Biswanath Chariali, Sonitpur Assam after availing joining time.

(d) That your applicant begs to state that after completion of one year of service at Biswanath Chariali, Assam your petitioner submitted a representation on 11.5.92 requesting the authority to revert your petitioner to the post of Technical Assistant with parent department, i.e., Central Farm Machinery Training & Testing Institute,

Budni (M.P.) on the ground of his family troubles and ill health. But the competent authority without considering his aforesaid representation extended his service with effect from 1.3.92 to 28.2.93.

(e) That your applicant begs to state that he again submitted a representation on 29.1.93 to the competent authority for reversion to the post of Technical Assistant with the parent department at Budhi (M.P.) on the ground of ill health, ~~and~~ climatic condition and family troubles. But in reply to his representation the Director of the said Institute intimated your petitioner vide letter No.2-7 91 dtd 31.8.92 that his representation has been considered by the Ministry and as soon as a suitable substitute is selected his request for re-patriation will be reconsidered. But a considerable time has elapsed without any effect.

(f) That your applicant begs to state that on the recommendation of the D.P.C. (Group 'B') of the Department of Agril and Coopn held on 13.12.94, the Joint Secretary (Machinery) was pleased to promote and appoint your petitioner as Assistant

Engineer (Testing) on officiating promotion basis vide order No.6-8/93 MY9A dmn) dated 15.2.95, Govt. of India, Ministry of Agriculture and posted at Anantapur (A.P.) and communicated by the Under Secretary to the Government of India, Ministry of Agriculture, Department of Agriculture and Coopn, ignoring the representation submitted to the authority by your petitioner and letter No.2-7/01 dated 31.8.92 issued by the Director -(Annexure-V).

(g) That your applicant begs to state that while he was expecting of posting in the parent department - Central Farm Machinery Training & Testing Institute, Budni (M.P.) he has been transferred on officiating promotion basis as Assistant Engineer (Testing) to Anantapur (A.P.), inspite of several representations for transfer to the parent department at Budni (M.P.) on the grounds of ill health, climatic condition and family troubles.

6. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which the petitioner wants redressal is within the jurisdiction of this Tribunal.

7. Limitation :

The applicant further declares that the application is within the period of limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

8. Facts of the case :

(I) That your petitioner begs to state that he was appointed as Draftman in the Central Farm Machinery Training and Testing Institute, Budhni (M.P.) and after rendering faithful and sincere service to the Institute without any blemish and he was promoted to the post of Technical Assistant in the said Institute and worked till 4.6.91.

(II) That your petitioner begs to state that he was again transferred and posted as Assistant Engineer (Testing) on purely adhoc basis at North Eastern Region Farm Machinery Training and Testing Institute, Biswanath Chariali District Sonitpur, Assam for a period upto 29.2.92 or until further orders whichever is earlier vide Notification No.9-18/90-MY(Admn)

Govt of India, Ministry of Agriculture dated September, 1991 and accordingly he was relieved of his duties from the Institute on 31.5.91 to join his new assignment as Assistant Engineer (Testing) at North Eastern Region Farm Machinery Training and Testing Institute, Biswanath Chariali, District Sonitpur, Assam after availing the joining time.

(Annexure-I-II)

(III) That after the completion of one year of service at Biswanath Chariali Assam, the petitioner submitted a representation on 11.5.92 requesting the authority to revert him to the post of Technical Assistant to the parent Department, Central Farm Machinery Training and Testing Institute, Budni (M.P.). But the competent authority without considering the petitioners representation extended his service w.e.f. 1.3.92 to 28.2.93.

(Annexure-III)

(IV) That your petitioner again submitted representation on 29.1.93 and 25.10.93 supported by medical certificate to the competent authority for reversion to the post of Technical Assistant

VI

to the parent department Budni (M.P) on the ground of ill health, climatic condition and family troubles. But in reply to my representation the Director of the said institution intimated your petitioner that vide letter No. 2-7/91 dated 31.8.92-PF that his representation has been under consideration by the Ministry and as soon as a suitable substitute is selected, his request for repatriation will be reconsidered. But a considerable time has elapsed without any effect.

(Annexure-IV).

(V) That your petitioner begs to state that on the recommendation of the D.P.C. (Group 'B') of the Department of Agri and Coopn. held on 13.12.94 the Competent authority was pleased to promote and appoint your petitioner as Asstt. Engineer (Testing) vide order No. 6-8/93 MY (Admn) dated 15.2.95 and posted at Anantapur (AP).

(Annexure- V).

(VI) That in connection with the matter stated above your petitioner begs to state that before the D.P.C. was held on 13.12.94 your petitioner submitted several representations before the Competent authority requesting for reversion to the parent department to the post of Technical Assistant at C.F.M. & T.I., Tractor Nagar, Budni (MP) vide letter dated 25.10.93,

1.9.93.....

District Sonitpur, Assam - Respondent No. 1 for redressal as regards transfer to the parent department - Central Farm Machinery Training & Testing Institute, Budni (MP) (Choice of place) as per Rule, but no relief is given to the applicant till date.

11. Matter not previously filed or pending with any other Court :

The applicant/petitioner declares that he has not filed any application, writ petition or suit before any Court of law or any other authority.

12. Relief sought :

In view of the facts and circumstances stated above at paragraphs 3, 4 and 7, the petitioner pray for the following reliefs :-

- I) To direct the authority to consider his representation/appeal and post him to a place of his choice as mentioned in the Representation.
- II) To restrain the authority from giving effect to the impugned transfer order No. 6-8/93-MY(Admn), Govt. of India, Ministry of Agriculture (Dept. of Agriculture & Coopn.) dated 15.2.93 till the disposal of the representation.

III) To any other relief or reliefs to which the applicant is legally entitled under law and equity may also be granted.

13. Grounds for Relief :

- I) That the authority concerned has passed the impugned order of transfer without taking into consideration the several representations filed by the applicant for posting him in a place of his choice on the ground of his ill health, climatic condition and family troubles supported by medical certificate.
- II) That as per provisions laid down under F.R. & S.R. Rule 8 and 9, the applicant is legally entitled to claim for posting him in a place of his choice. The appellant has already completed 21 years of service and also completed four years of service working in the North Eastern Region. The authority concerned while passing the transfer order has completely overlooked the said aspect of the matter.
- III) That the applicant by submitting representations after representations made out valid and sufficient grounds for posting him.....

him in a place of his choice i.e. Central Garm Machinery Training & Testing Institute, Budni (MP) being a choice of his posting, he is legally entitled to such posting.

14. Interim order if any prayed for :

The petitioner prays the following interim order for the ends of justice.

The order of transfer dated 15.2.95 issued under No. 6-8/93-MY(Admn.) by the Government of India, Ministry of Agriculture (Dept. of Agriculture & Cooperation) may be stayed.

15. The applicant desires to have the oral hearing at the stage of admission.

16. Particulars of Bank Draft/Postal Order in respect of application fee :

Application fee --- Rs.50.00

1. Number of Indian Postal Order :- 03 883833
2. Name of the Issuing Officer :- Gauhati Post Office.
3. Date of issue of Postal Order :- 20.3.1995
4. Post Office at which payable :- Guwahati.

17. List of Enclosures :

1. Letter No. EST/5-80/70 dated 31.5.91 issued by the Administrative Officer on behalf of Director, Govt. of India, Central Farm Machinery Training & Testing Institute, Tractor Nagar, Budni (MP).
2. Notification No. 9-18/90-MY (Admn) dated Sept. '91 issued and communicated by the Under Secretary to the Govt. of India, Ministry of Agriculture, Deptt. of Agriculture & Coopn., New Delhi.
3. Petition by Sri P.C. Jain, addressed to the Joint Secretary (PP & MY) Deptt. of Agricultural & Cooperation, Ministry of Agriculture, New Delhi dated 11.5.92.
4. Letter from Sri P.C. Jain dated 29.1.93 addressed to the Joint Secretary (PP & MY) Ministry of Agriculture (Dept. of Agril & Coopn), New Delhi.
5. Letter from Sri P.C. Jain dated 1.9.93 addressed to the Joint Secretary (PP & MY) Ministry of Agriculture, New Delhi.
6. Letter from Sri P.C. Jain dtd. 12.10.93 addressed to the Joint Secretary (PP & MY) Ministry, of Agriculture, New Delhi.

7. Letters from Sri P.C. Jain dated 25.10.93, 29.12.93 addressed to the Joint Secretary (MY), Ministry of Agriculture, New Delhi.
8. Medical certificate issued by Sri K. Bora, Medical Officer N.E.R. Farm Machinery Training & Testing Institute, B. Chariali, Sonitpur District, Assam.
9. Letters from Sri P.C. Jain dtd. 10.5.94, 22.9.94, 18.10.94, 9.1.95, 6.3.95 and 25.10.93 addressed to the Joint Secretary (PP & MY) Ministry of Agriculture, New Delhi.
10. W.T. Message dated 9.3.95 from Sri P.C. Jain addressed to the Under Secretary Machinery AGRINDIA, New Delhi.
11. Copy of FR & SR Part I regarding concession for serving in North-Eastern Region for the Central Government employees.
12. Order dated 15.2.95 issued by the Under Secretary to the Govt. of India under No. 6-8093-94 -MY (Admn) Govt. of India, Ministry of Agriculture Deptt of Agril & Coopn., New Delhi regarding transfer on promotion.

VERIFICATION

I, Sri Padam Chand Jain, Assistant
Engineer (Testing) North Eastern Region Farm
Machinery Training & Testing Institute, Biswanath
Chariali, District Sonitpur, Assam, Son of Sri
G.C. Jain, aged about 50 years, resident of
Biswanath Chariali, District - Sonitpur, Assam,
do hereby verify that the contents of paragraphs
of item No. 1 to 7 are true to my personal
knowledge and those made in paragraphs 8
are matters of records which I believe to be
true.

And I sign this verification on this
the 20th day of March, 1995.

Dated 20/3/95

Place : Gauhati

Padam Chand Jain
Signature 20/3/95

To

The Registrar,
Central Administrative Tribunal,
Gauhati Bench,
Guwahati.

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No. EST/5.80/70 *Annexure II*
Government of India,
Central Farm Machinery
Training & Testing Institute,
Tractor Nagar, Budni(M.P.) 466445

Dated the 31st May, 1991

OFFICE ORDER

ad-hoc
Consequent upon his acceptance of the post of Assistant Engineer(Testing) at North Eastern Region Farm Machinery Training & Testing Institute, Biswanath, Charaili, Distt. Sonitpur (Assam) offered to him vide Ministry of Agriculture (Department of Agriculture & Co-opn), New Delhi, letter No. 9-18/90-My(Admn) dated the 9th February, 1991 on the terms and conditions stipulated therein, Shri P.C.Jain, Technical Assistant of this Institute is hereby relieved of his duties from this Institute in the afternoon of 31st May, 1991, to take-up his new assignment as Assistant Engineer(Testing) at North Eastern Region Farm Machinery Training and Testing Institute, Biswanath, Charaili, Distt. Sonitpur (Assam) after availing joining time as admissible under the rules.

V.H. Havaladar
(V.H. Havaladar)
Administrative Officer
for Director

DISTRIBUTION

- 1) Shri P.C.Jain, Technical Assistant
- 2) Accounts Section (2 copies) - LPC may please be prepared and passed on to Estt. Section.
- 3) General file of Technical Assistant
- 4) Caretaker

Copy to:

- 1) The Under Secretary (Machinery) to the Govt. of India, Ministry of Agriculture (Dept. of Agri & Co-opn) Krishi Bhawan, New Delhi - this has reference to Ministry's letter referred to above.
- 2) The Director, North Eastern Region Farm Machinery Training and Testing Institute, Biswanath, Charaili, Distt. Sonitpur (Assam) - His service records, L.P.C. etc. shall be sent in due course.
- 3) The Pay & Accounts Officer (Plant Protection & Misc) Old CGO Building, Block-III, Level-III, N.H-IV, Faridabad (Haryana) - with request that the G.P.F. account No. PAO/TTC/93 of Shri P.C.Jain, may kindly be transferred to Pay & Accounts Officer, Madras on allotment of new account number.
- 4) The Pay & Accounts Officer, Ministry of Agriculture (Dept. of Agri & Co-opn), 191, North Usman Road, Madras-600-017 (Tamil Nadu) - He is also requested to kindly allot a new G.P.F. account number to Shri P.C.Jain, under intimation to this office as well as to PAO, Faridabad.

for Director

*collected by
25/5/95*

18
Annexure I
29

(TO BE PUBLISHED IN PART-I SECTION 2 OF THE GAZETTE
OF INDIA)

No. 9-18/90-My(Admn.)
Government of India
Ministry of Agriculture
Department of Agri. & Coop.

.....
Krishi Bhavan, New Delhi
Dated the Sept., 91.

NOTIFICATION

The Competent Authority is pleased to appoint Shri P.C. Jain, Technical Assistant, Central Farm Machinery Training and Testing Institute, Budni (M.P.) as Assistant Engineer (Testing) in the scale of pay of Rs.2000-60-2300-EB-75-3200-100-3500 on purely adhoc basis at North-Eastern Region Farm Machinery Training and Testing Institute, Biswanath, Chariali, Distt. Sonitpur (Assam) w.e.f. 4-6-91 (forenoon) and for a period upto 29th February, 1992 or until further orders whichever is earlier.

R. Kandir
(R. Kandir)
Under Secretary to the Govt. of India

To

The Manager,
Government of India Press,
Faridabad (Haryana) with Hindi version.

Copy to:-

1. Pay & Accounts Office, Department of Agriculture & Coop., Old C.G.O. Complex, NH IV, Faridabad (Haryana).
2. Sh. P.C. Jain, Asstt. Engineer (Testing), North-Eastern Region Farm Machinery Trg. & Testing Institute, Biswanath, Chariali, Distt. Sonitpur (Assam).
3. The Director, Central Farm Machinery Training & Testing Institute, Budni (M.P.).
4. The Director, Northern Region Farm Machinery Training and Testing Institute, Hissar (Haryana).
5. The Director, Southern Region Farm Machinery Trg. & Testing Institute, Garladinne, Distt. Anantapur (A.P.).
6. The Director, North-Eastern Region Farm Machinery Training & Testing Institute, Biswanath, Chariali, Distt. Sonitpur (Assam).
7. AS(S)/JS(PP&MY)/DS(PP&MY)/JC(MY-I)/JC(MY-II)/DC(MY)/AC(MY)/US(MY).
8. Personal file/Guard file/Service Book/Spare copies.
9. Pay & Accounts Office, Deptt. of Agri. & Coop., 16-A, Akbar Road, New Delhi.

R. Kandir
(R. Kandir)
Under Secretary to the Govt. of India

*Collected by
R.K.
20/8/95*

Annexure III

To

The Joint Secretary(PP&MY)
Ministry of Agriculture,
(Dept. of Agri. & Coopn.),
Krishi Bhavan,
NEW DELHI-110 001.

Sub:- Application for reversion to the post of Technical Assistant to the parent department- Central Farm Machinery Training & Testing Institute, Budni(M.P.)

.....

Sir,

Respectfully I am to submit that I was appointed to the post of Assistant Engineer(Testing) on purely adhoc basis at North Eastern Region Farm Machinery Training & Testing Institute, Biswanath Chariali (Assam) w.e.f. 4.6.91 vide Ministry's order No. 9-18/90-MY(Adm.) dated Sept.'91 for a period of one year or upto 29.2.92 whichever is earlier. Although the Ministry has extend the term of my adhoc appointment for another one year w.e.f. 1.3.92 to 28.2.93 but due to the circumstances prevailing at my native place including Budni where my family members are residing at present, I am unable to continue here for further period. I am submitting hereunder few points for perusal and sympathetic consideration of my case.

1. The climate of this area does not suit to my health and I am always ailing with one or other disease.
2. My father is of such old age and requires my presence near to him. In addition to this, I have to look after my family affairs.
3. My two children are studying in Secondary classes & requires my presence to guide them in their study. Both the children have lesson the position of their marks after my joining here.
4. My wife is also a B.P. patient and always requires my presence to manage her treatment from time to time.

It is, therefore, requested that my case may kindly be considered sympathetically and pass the order for my reversion from this Institute to the post of Technical Assistant at Central Farm Machinery Training & Testing Institute, Budni, (M.P) as early as possible.

Thanking you sir,

Yours faithfully,

lilu
11.5.92
(P.C. JAIN)
ASSISTANT ENGINEER(T)

Copy to :

1. The Director, Central Farm Machinery Training & Testing Institute, Budni, (M.P.)
2. The Director, North Eastern Region Farm Machinery Training & Testing Institute, Biswanath Chariali, Distt. Sonitpur (Assam)

*Collected
At Budni
20/5/92*

ASSISTANT ENGINEER(T)

Annexure IV

(21)

To,

The Joint Secretary (P&MY)
Ministry of Agriculture,
(Dept. of Agri. & Coopn.),
Krishi Bhawan,
NEW DELHI - 110 001.

Through Director, N.E.R.F.M.T.&T.I.
Biswanath Chariali (Assam).

Subject :- Application for reversion to the post of
Technical Assistant to the parent department -
Central Farm Machinery Training & Testing
Institute, Budni (M.P.)

...

Respected Sir,

Kindly refer my representation dated 11th May,
1992 requesting to relieve me from the post of Assistant
Engineer (Testing), North Eastern Region Farm Machinery
Training & Testing Institute, Biswanath Chariali, (Assam)
to my parent department Central Farm Machinery Training
and Testing Institute, Budni (M.P.)

In this connection, I have been intimated by the
Director of this Institute vide letter No. 2-7/91-PF dated
the 31st Aug., 1992 stating that my representation has
been considered by the Ministry and as soon as a suitable
substitute is selected my request for repatriation will
be reconsidered.

A considerable time has been passed there after
and I would like to request you sir, that the climatic
condition and water of this place is not favouring me.
During last four months period I have been admitted twice
in the Civil Hospital for treatment of my stomach. Due
to this stomach trouble I always feel sick and difficult
to work more in this region. My other family members
residing at Budni and my wife is also in sick condition
and need my presence there.

It is, therefore, requested that my case may
kindly be reconsidered sympathetically and pass the order
for my reversion from this Institute to the post of
Technical Assistant at C.F.M.T.&T.I., Budni (M.P.) by
the end of February, 1993 or as early as possible.

Thanking you;

Yours faithfully,

29.1.93
(P.C. JAIN)
ASSISTANT ENGINEER (TESTING)

Filed
Revd
Private
28/3/93

No. 6-8/93-My(Admn.)
 Government of India
 Ministry of Agriculture
 (Department of Agriculture & Cooperation)

(S. Krishan Bhawan, New Delhi
 Dated the 15th Feb. 1995)

Subject: Promotion to the post of Assistant Engineer (Testing) (Rs. 2000-3500) at FMTIs.

On behalf of the Ministry of Agriculture and Cooperation, I am pleased to inform you that on the recommendations of the Departmental Promotion Committee (Group 'B') of the Department of Agriculture and Cooperation, Joint Secretary (Machinery), is pleased to appoint the following Technical Assistants (Rs. 1640-2900) as Assistant Engineer (Testing) (G.C.S. Group 'B' Gazetted - Scale: Rs. 2000-3500) on officiating promotion basis, at Farm Machinery Training & Testing Institutes, with effect from the dates indicated against each :-

\ (Y) No. \ (LA) No. (H.S) No. \ (Y) No. \ (LA) No. Date of appointment

1. Shri P.C. Jain (presently working as Asstt. Engineer (Testing) on ad-hoc basis).

2. Shri J.J.R. Narware with effect from the date he assumes charge of the post.

3. Shri C.R. Lohi - do -

2. With the approval of the competent authority in the Department of Agriculture & Cooperation, the following posting/ transfers of Assistant Engineers (Testing), FMTIs have also been ordered :-

S. No.	Name	From	To	Remarks
1.	Sh. P.C.Jain	Assam Institute	Anantapur Institute	Against vacant post.
2.	Sh.J.J.R. Narware	On promotion	Budni Institute	- do -
3.	Sh. C.R.Lohi	On promotion	Assam Instt. vice Sh. P.C.Jain transferred	

R.P. Aggarwal

(R.P. Aggarwal)
 Under Secretary to the Govt. of India

contd.... 2/-

Advocate
 28/3/95

Distribution:

1. Pay & Accounts Officer, Deptt. of Agri. & Coopn., Old C.G.O. Complex, Block-III, Level-III, NH-IV, Faridabad(Haryana).
2. Pay & Accounts Officer, Deptt. of Agri. & Coopn., 191, North Usman Road, T. Nagar, Madras(Tamil Nadu).
3. The Director, North Eastern Region Farm Machinery Training & Testing Institute, Biswanath Chirali, Distt. Sonitpur(Assam).
4. The Director, Northern Region Farm Machinery Training & Testing Institute, Hissar (Haryana).
5. The Director, Central Farm Machinery Training & Testing Institute, Budni (M.P.).
6. The Director, Southern Region Farm Machinery Training & Testing Institute, Garladinne, Distt. Anantapur(A.P.) (4 copies).
7. Officials concerned (3 copies).
8. Personal files (3 copies).
9. JC(My) / DC(My) / AC(My) / My(I&P) / My(AI) / SRO(My) / Assistant Engineer.
10. PS to JS (NDM, Fy & My) / Director(PP & My) / US(My).
11. Guard file / Spare copies (10).

.....

P.C. JAIN
ASSISTANT ENGINEER(T)
North Eastern Farm Machinery
Training & Testing Institute
BISWANATH CHARIALI
ASSAM - 784176.

Dated :- 25th Oct. 1993.

To:

The Joint Secretary, (PP & M)
Ministry of Agriculture,
(Dept. of Agri. & Co-opn)
Krishi Bhawan
New Delhi - 110001.

Through the Director, N.E.F.M.T. & T. Inst. Biswanath
Chariali (Assam).

Sub:- Appointment on the post of Assistant Engineer(Testing) on
purely adhoc basis at North Eastern Farm Machinery Training &
Testing Institute Biswanath Chariali (Assam).

Ref:- 9-18/90-My(Admn)

Respected Sirs:

Kindly refer Ministry's letter No. 9-18/90-My(Admn) dated
5th Oct. 93 regarding extension to the post of Assistant Engineer(T)
for one year beyond 28.2.93. In this regard respectfully I would
like to say that I am working in this institute since last 20 years.
I joined this institute in June 91, on purely adhoc promotion for
one year. After completion of one year I have sent six representations
to Ministry for relieving me from this institute, but every year I
am getting extension without any favorable reply of my representations
- I am feeling it injustice with me.

Moreover since long I am not feeling well at this climatic
condition and professor Dr. H.M. Gupta of Kanchan Hospital Bhopal
advised me to change the place and local Medical Officer of this
institute has been recommended. He is suffering from renal colic
etc on at Chariali, so I advised him to change the climate as early
as possible, as the climate of this area is not suitable for his
health (Doctor's certificate has been produced earlier for general of
ministry). Even then my representations have not been considered
sympathetically and humanitically by the authority.

Hence in this regard I would like to request that I am not
interested in the post of Assistant Engineer(T) in this institute and
would like to return back on my regular post Technical Assistant at
my Parent Department Central Farm Machinery Training & Testing Institute
Tractor Nagar Dandi (M.P.).

P.C.J.

Attested/
R.C. Jaiswal
20/10/93

Therefore, I am with-drawing my promotion and ^{W.S.} to my parent department on my previous post.

Yours faithfully,


25.10.93
(P. Q. JAIN)

Copy to :-

1. Joint Commissioner (H.Y.)
Ministry of Agriculture
(Dept. of Agri. & co-opn)
Krishi Bhawan, New Delhi

2. Director
Central Tractor and Machinery
Training & Testing Institute
Tractor Nagar, Budni (M.P.).

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Annexure VI

31

From :

Shri P.C. Jain
Assistant Engineer (Testing)
North Eastern Region Farm
Machinery Training & Testing
Institute, BISWANATH CHARIALI
Distt. Sonitpur (Assam) 784176.

The Joint Secretary (PP&MY)
Ministry of Agriculture,
(Dept. of Agri. & Coopn.)
Krishi Bhavan,
NEW DELHI - 110 001.

Dated: 1.7.93

Through the Director, North Eastern Region Farm
Machinery Training & Testing Institute,
PO : BISWANATH CHARIALI (Assam).

SUB :- Reversion to parent department to the post of
Technical Assistant at C.F.M.T.&T.I., Tractor
Nagar, Budni (M.P.)

.....

Respected Sir,

Kindly refer my representation dated 11.5.92, 29.1.93,
16.3.93 and 3.8.93 regarding relieving from this Institute to
Central Farm Machinery Training & Testing Institute, Tractor
Nagar, Budni. But till now I have not received any favourable
reply from your kind self.

Therefore, I am again and again requesting you sir,
for sending favourable order to relieve me from this Institute
as early as possible.

Thanking you,

Your's faithfully,

bhu
1.7.93
(P.C. JAIN)

Attested
R.S. Parbote
20/8/95

(25)

Annexure VI

From : P.C. JAIN
Assistant Engineer(Testing)
Farm Machinery Training and
Testing Institute(N.E.R.)
BISWANATH CHARIALI - 784 176,
Distt. Sonitpur (Assam).

Dated : 12.10.93

The Joint Secretary(PP & MY)
Ministry of Agriculture,
(Dept. of Agri. & Coopn.),
Krishi Bhavan,
NEW DELHI - 110 001.

Through the Director, North Eastern Region Farm Machinery
Training & Testing Institute, Biswanath Chariali
(Assam)

SUB :- Reversion to parent department to the post of
Technical Assistant at C.F.M.T.&T.I., Tracter
Nagar, Budni (M.P.)

.....

Respected Sir,

Kindly refer my representations dated 11.05.92,
29.01.93, 06.03.93, 03.08.93 and 01.09.93 regarding
relieving from this Institute to Central Farm Machinery
Training & Testing Institute, Tracter Nagar, Budni, (M.P.).

Therefore, I am requesting you sir for sending
favourable order to relieve me from this Institute as
early as possible.

Thanking you,

Yours faithfully,

12.10.93
(P.C. JAIN)

12.10.93
P.C. JAIN

From : P.C. JAIN,
 ASSISTANT ENGINEER(TESTING)
 North Eastern Region Farm
 Machinery Training & Testing
 Institute, PO : B.CHARIALI,
 Distt. Sonitpur (Assam).

To,

The Joint Secretary(MY)
 Ministry of Agriculture,
 (Dept. of Agri. & Coopn.),
 Krish Bhavan,
NEW DELHI - 110 001.

Dated the 29/11/93

Through Director, N.E.R.F.M.T.&T.I., Biswanath Chariali(Assam).

SUB :- Transfer to the post of Assistant Engineer(Testing) at
 Central Farm Machinery Training & Testing Institute, Budni.

R/Sir,

I am to state that I am working in this Institute since 2 years on the post of Assistant Engineer(Testing) on purely adhoc basis. I was senior most Technical Assistant at Central Farm Machinery Training and Testing Institute, Budni, (M.P.) from where transferred on adhoc promotion at this North Eastern Region Institute for the period of one year. Now I am completing my extension on 28.02.94.

At present a post of Assistant Engineer(Testing) is vacant at Central Farm Machinery Training and Testing Institute, Budni, (M.P.). Being senior most technical Assistant and having 2 years experience of Assistant Engineer(T) at this Institute, I should be considered for the post of Assistant Engineer(T) at Budni and transferred to Budni.

Since last one year I am requesting to Ministry for my reversion to parent department due to unsuitable climatic condition and sickness for which a certificate by authorised Doctor of this Institute was submitted in which Doctor has advised to change the place(A photocopy of certificate is attached for perusal).

Now I am again requesting you sir, for kind consideration for my transfer to the post of Assistant Engineer(Testing) at my parent department Central Farm Machinery Training and Testing Institute, Budni (M.P.)

Thanking you

Yours faithfully,

A.M.

(P.C. JAIN)

Copy to :-

1. Joint Commissioner(MY), Ministry of Agriculture,
 (Dept. of Agri. & Coopn.), Krish Bhavan, NEW DELHI - 110 001.
 2. Director, CFTI, Budni (M.P.)

Attached
 P.S. Apparate
 20/11/93

S CLINIC & LABORATORY

CHARIALI SONITPUR

Bora, M.B.B.S. (Gau)

Regd. No. 3938

CONSULTATION HOURS

Morning: 8 A.M. to 2 P.M.
Sunday: 8 A.M. to 1 P.M.

TO WHOM IT MAY BE CONCERNED

This is to certify that Shri P.C. Jain, Assistant Engineer(Testing) of North Eastern Region Farm Machinery Training & Testing Institute, B. Chariali Distt. Sonitpur (Assam) is suffering from Malaria often at Chariali, so I advise him to change the climate as early as possible, as the climate of this area is not suitable for his health.

16/1
(M. K. BORA)
M. B. B. S.

MEDICAL OFFICER
N.E.R. FARM MACHINERY TRAINING
AND
TESTING INSTITUTE
B. CHARIALI SONITPUR ASSAM

Allected
R. B. D. P. 20/3/95

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Annexure VI

From : P.C. JAIN
Asstt. Engineer(Testing)
Farm Machinery Training & Testing
Institute, B. CHARIALI - 784 176,
Distt. Sonitpur (Assam).

To,

The Joint Secretary
Ministry of Agriculture,
(Dept. of Agri. & Coopn.)
Krishi Bhavan,
NEW DELHI - 110 001.

Reminder No.

Dated the 22nd Sept., 1994.

SUB :- Transfer from this Institute to Central Farm Machinery
Training & Testing Institute, Budni - regarding.
Respected Sir,

Kindly refer my no of requests for transfer from this
Institute to Central Farm Machinery Trg. & Testing Institute,
Budni (M.P.) on medical ground.

I am working here as Asstt. Engineer(Testing) since last
3 years and 4 months. At present in Budni Institute a post of
Asstt. Engineer (Testing) is lying vacant. Due to unfavourable
climatic condition I am not feeling well here and loosing my
health day by day. I have already completed my Tenure Period
of 2 years, and desire to go back my parent department at
Central Farm Machinery Training & Testing Institute, Budni(M.P.).

It is, therefore, requested that I may kindly be
transferred from this Institute to Central Farm Machinery Trg.
and Testing Institute, Budni as early as possible.

Thanking you

Your's faithfully,

(P.C. JAIN)
ASSISTANT ENGINEER (TESTING)

Copy to the Director, Farm Machinery Training & Testing
Institute, B. Chariali, Distt. Sonitpur (Assam)
for kind information and necessary action please.

Asstt. Engineer(T)

22/7/94
Allied
R.G.
25/3/95

From : P.C. JAIN
 Assistant Engineer(Testing)
 Farm Machinery Training &
 Testing Institute(NER),
 Biswanath Chariali (Assam).

Dated 10.5.94

To,

The Joint Secretary(MY) to
 Ministry of Agriculture,
 (Dept. of Agri. & Coopn.),
 Krish Bhavan,
 NEW DELHI - 110 001.

Through, Director, N.E.R.F.M.T.&T.I., Biswanath Chariali.

SUB :- Choice posting after completion of fixed Tenure in
 North Eastern Region.

Respected Sir,

.....

I am to state that 3 years ago I was transferred from
 Central Farm Machinery Training & Testing Institute, Budni, (M.P.)
 to North Eastern Region Farm Machinery Training & Testing Institute,
 B. Chariali (Assam) to the post of Assistant Engineer(Testing)
 on adhoc promotion.

I have already completed my 2 years Tenure period in North
 Eastern Region and still awaiting my transfer order.
 I have written to Ministry so many times for transfer due to
 my ailment. I also personally approached Joint Commissioner(MY)
 and Under Secretary(MY) in January, 1994 at New Delhi for the same.
 I do not know why it is being delayed though a number of requests
 have been made by me. I am losing my health in Assam day by day
 and is unbearable. If process of transfer as Assistant Engineer
 is lengthy, I should be reverted back to the post of Technical
 Assistant at Budni Institute where I may take care of my health.

It is, therefore, requested that my case should be
 considered sympathetically and I should be relieved from this
 Institute to Central Farm Machinery Training and Testing Institute,
 Budni (M.P.) as early as possible.

Your's faithfully,

10.5.94
 (P.C. JAIN)

Handed
 Agt. Appraiser
 20.5.95

10/10/94
10/10/94

From : P.C. JAIN
 Asstt. Engineer (Testing)
 Farm Machinery Training & Testing
 Institute, B. CHARIALI - 784 176,
 Distt. Sonitpur (Assam).

Reminder No.

Dated the 18th Oct., 1994.

To,
 The Joint Secretary
 Ministry of Agriculture,
 (Dept. of Agri. & Coopn.)
 Krishi Bhavan,
 NEW DELHI - 110 001.

SUB :- Transfer from this Institute to Central Farm Machinery
 Training & Testing Institute, Budni - regarding.

Respected Sir,

Kindly refer my no. of requests for transfer from this
 Institute to Central Farm Machinery Trg. & Testing Institute,
 Budni (M.P.) on medical ground.

I am working here as Asstt. Engineer (Testing) since last
 3 years & 6 months. At present in Budni Institute a post of
 Asstt. Engineer (Testing) is lying vacant. Due to unfavourable
 climatic condition I am not feeling well here and loosing my
 health day by day. I have already completed my Tenure Period
 of 2 years, and desire to go back my parent department at
 Central Farm Machinery Training & Testing Institute, Budni (M.P.).

It is, therefore, requested that I may kindly be
 transferred from this Institute to Central Farm Machinery Trg.
 and Testing Institute, Budni as early as possible.

Thanking you

Yours faithfully,

(P.C. JAIN)
 ASSISTANT ENGINEER (TESTING)

✓ Copy to the Director, Farm Machinery Training & Testing
 Institute (NER), B. Chariali, Distt. Sonitpur
 (Assam) for information please.

Asstt. Engineer (T) 18/10/94

Alfredo
 Ag
 Parrot
 20/10/94

(31)

Annexure VI

From: P.C. JAIN
Assistant Engineer(T)
Farm Machinery Training & Testing
Institute (North Eastern Region)
Biswanath-Chariali
Distt. SONITPUR
ASSAM

To

The Joint Secretary(My)
to the Govt. of India,
Ministry of Agriculture
(Dept. of Agri. & Co-opn)
Krishi Bhawan,
NEW DELHI. 110001

THROUGH: Director, N.E.P. F.M.T & T.I., Biswanath-Chariali,
Assam.

Subject: Choice of posting after completion of tenure.

.....

R/Sir,

Kindly refer my earlier request for transfer to my
parent office at Budni, which is my choice of place for
posting on completion of tenure period at North Eastern
Region.

I am working at this Institute since June, 1994, on
the post of Assistant Engineer(Testing) on ad-hoc basis.
I have completed 3½ years service at North Eastern Region
Farm Machinery Training & Testing Institute, Biswanath-
Chariali, Assam, which is much more than the tenure prescribed
for North Eastern Region.

It is understood that the vacant post of Assistant
Engineer(T) are being filled shortly. In this regard, I
request you sir, that if my case is considered, I may kindly
be posted at the Central Farm Machinery Training & Testing
Institute, Budni(M.P.), being my choice of posting place.

Thanking you,

Yours faithfully,

24. *[Signature]* 9.1.95
(P.C. JAIN)
Assistant Engineer(Testing)

Dt: 9.01.95

*At Hand
R.D. 25/1/95*

To

The Joint Secretary
 Ministry of Agriculture
 (Dept. of Agri. & Coopn.)
 Krishi Bhawan, New Delhi.

(Through Director, Farm Machinery Trg. & Testin, Instt.,
 Biswanath Chariali, Assam).

Subject: Request for my choice-posting at Central Farm Machinery Training & Testing Institute, Budni (M.P.) regarding.

Respected Sir,

Most humbly, I crave to make the following submissions for your kind and sympathetic consideration.

Sir, consequent upon my promotion from Technical Assistant, Central Farm Machinery Training & Testing Institute, Budni to the post of Assistant Engineer(Testing) on ad-hoc basis with effect from 4-6-1991, I was posted to the Farm Machinery Training & Testing Institute, Biswanath Chariali, Assam. I have been working as Assistant Engineer(Testing) at Assam Institute since 4.6.91. on ad-hoc basis and have since been promoted on regular basis with effect from 13.12.94 vide Order No.6-8/93-My(Admn.) dated 15.2.1995. While giving me regular promotion to the post of Assistant Engineer(T), I have also been transferred to Anantapur Institute.

Yudhvir
 Ever since my posting at Assam Institute more than 3½ years ago, I have been suffering from renal colic with excruciating pain even during office hours on account of which I was forced to remain on leave many a times and therefore I have been requesting the Ministry to revert me to the post of Technical Assistant even at Budni Institute. But the Ministry has not been kind to me so far.

As you are aware Sir, persons posted at North Eastern Region for a fixed tenure are given their choice posting when they complete their tenure. But though I have completed more than the fixed tenure of two years and had several times requested the Ministry to order my transfer to Budni Institute due to my health problems, now I have been transferred to Anantapur Instt., vide the aforesaid Order No.6-113-My(Admn.) dated 15th Feb., 95., ignoring my rightful appeal for 'choice-posting'.

Moreover, I am suffering from renal colic and my health has deteriorated badly over the last 3½ years. I thought that if I come back to Budni Institute, I could take care of my own health and also could have looked after my aged and ailing parents (my father has lost his eyesight) who are wholly dependent on me. Besides, my sudden transfer to Anantapur Institute has increased my tension and anxiety, particularly because, being the senior-most, justice has been denied to me, overlooking govt. instructions for 'choice-posting' in this regard.

Allected
 R.S.P.
 26/2/95

(B3)

Sir, I have already served at Assam Institute in difficult climatic and social conditions for more than 3½ years, suffering the pangs of separation from my ailing parents, wife & children. I worked for all these years with unflinching devotion and sincerity to see that the Institute stands on its own feet as early as possible and I go back to my family early after getting my regular promotion as Assistant Engineer(Testing).

But unfortunately Sir, I was held in thrall for quite sometime after hearing the news of my sudden transfer to Anantapur Institute, and ever since, my Blood Pressure has risen much and I am feeling very sick and depressed. Therefore, I feel very much disheartened to submit that perhaps my sincerity and hard-work did not pay me ultimately.

Against this background, I beseech your kindself to reconsider my appeal for posting me to Budni Institute on compassionate grounds to save me from further anguish and agony.

Thanking You,

Yours faithfully

(P.C.Jain) 21.2.95

Assistant Engineer(T)
FMTTI, Biswanath Chariali,
Distt. Sonitpur (Assam).

Date - 21.2.95

21.2.95
P.C.Jain

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ANNEXTURE : VII

8. Concessions for serving in North-Eastern Region, etc. [Swamy's—FR & SR, Part I]

Certain special concessions and service benefits are admissible to officers transferred to the North-Eastern Region and Union Territories listed below and to officers of North-Eastern Council when posted to North-Eastern Region. These concessions are also admissible to those on deputation to State Governments of Manipur and Tripura.

1. Assam	6. Arunachal Pradesh
2. Meghalaya	7. Mizoram
3. Manipur	8. Andaman and Nicobar Islands
4. Nagaland	9. Lakshadweep (L & M) Islands
5. Tripura	

8. Fixed Tenure—

(a) For staff with service of 10 years or less ... Three years
(b) For staff with more than 10 years of service ... Two years

Period of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period. However, the period may be extended in exceptional cases in exigencies of public service or when the employee concerned is prepared to stay longer. Deputation allowance will be admissible during the extended period also.

9. Station of choice on completion of tenure.—On completion of the fixed tenure, officers may be considered for posting to a station of their choice as far as possible.

10. Weightage for promotion, etc.—Eligible officers shall be given due recognition in the matter of—

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad.

The general requirement of at least three years' service in a cadre post between two Central tenure deputations may be relaxed to two years in cases of meritorious service.

11. Entry in CR—A specific entry shall be made in the CR of all employees who render a full tenure of service.

Attest
R. S. S.
20/3/1955

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : :: GUWAHATI - 5

O.A. 43/95

 Sri Padam Chand Jain ... Applicant
-VS-

Union of India & Ors. ... Respondents

P R E S E N T

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE CHAIRMAN
THE HON'BLE SHRI G. L. SANGLYINE, MEMBER (ADMN.).

For the Applicant ... Mr. R.C. Das.

For the Respondents ... Mr. G. Sarma, Addl.CGSC.

Sd/- VICE CHAIRMAN
Sd/- MEMBER (ADMN)

~~3~~ Memo No. :

Date :

Copy for information & necessary action to :

- (1) Shri Padam Chand Jain, S/O. Shri G.C. Jain, Biswanath Chariali, Dist. Sonitpur, Assam.
- (2) The Joint Secretary, Ministry of Agriculture, Deptt. of Agriculture & Co-operative, Krishi Bhawan, New Delhi.
- (3) The Director, Farm Machinery, Training and Testing Institute, Biswanath Chariali, Sonitpur District, Assam.
- (4) Under Secretary, Govt. of India, Ministry of Agriculture, Deptt. of Agri. & Co-opn., New Delhi.

SECTION OFFICER (J)